

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FRANCIS T. HARRIS,

Plaintiff,

v.

DR. KENNEDY,

Defendant.

NO: CV-12-5145-RMP

ORDER DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION

By Order filed January 23, 2013, the Court directed Mr. Harris to either pay the \$350.00 filing fee for this action under 28 U.S.C. § 1914, or to comply with the *in forma pauperis* statute, 28 U.S.C. § 1915(a)(2). ECF No. 5. Mail sent to Mr. Harris at the Benton County Jail was returned, marked, "return to sender." ECF No. 6. Plaintiff has not kept the court apprised of his change of address.

The District Court Executive had previously notified Plaintiff of the requirement to submit a six month statement of his inmate account by letter dated November 2, 2012, ECF No. 3. That letter, sent to the Franklin County Jail, was

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1 returned as undeliverable with the notation, "Not in Custody." ECF No. 4. Plaintiff
2 has not complied with the Court's directives, and he has filed nothing further in this
3 action.

4 For the reasons set forth in the Court's previous Order, **IT IS ORDERED**
5 that the application to proceed *in forma pauperis* is **DENIED** for failure to comply
6 with 28 U.S.C. § 1915(a)(2) and this action is **DISMISSED without prejudice** for
7 failure to prosecute and to comply with this Court's directives under Rule 41(b),
8 Federal Rules of Civil Procedure.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
10 Order, enter judgment, forward copies to Plaintiff at his last known address, and
11 close the file. The Court certifies any appeal of this dismissal would not be taken
12 in good faith.

13 **DATED** this 19th day of February 2013.

14
15 s/ Rosanna Malouf Peterson
16 ROSANNA MALOUF PETERSON
17 Chief United States District Court Judge
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